

ANNEX U

LEGAL

CITY OF HOUSTON

APPROVAL AND IMPLEMENTATION

Annex U

Legal

ANNEX REDACTED – DATA REMOVED

RECORD OF CHANGES

Annex U

Legal

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ANNEX U

LEGAL

I. AUTHORITY

See City of Houston Basic Plan, Volume I.

II. PURPOSE

The purpose of this annex is to provide plans for the rendering of legal services during emergencies when extra measures must be taken to protect lives and property.

III. EXPLANATION OF TERMS

EOC	Emergency Operations Center
FEMA	Federal Emergency Management Agency
TAC	Texas Administrative Code
TGC	Texas Government Code

Refer to the City of Houston Basic Plan, Volume I for additional acronyms.

IV. SITUATION & ASSUMPTIONS

A. Situation

The City of Houston is subject to a number of disaster circumstances that could occur locally and which would create a need for legal advice and assistance.

B. Assumptions

1. Each disaster will create unique situations that will give rise to legal issues that will need to be addressed in light of the peculiar factual situations.
2. The City Attorney or the First Assistant City Attorney and one or more Assistant City Attorneys will be available to provide legal advice and assistance to the Mayor, the City Council, and the Department Directors in a disaster.

V. CONCEPT OF OPERATIONS

A. General

1. Emergency Declaration

- a. Pursuant to Chapter 433, TGC, the chief elected official or the governing body of a city or county may request the Governor declare a state of emergency for a jurisdiction or a portion thereof. For purposes of this statute, an emergency exists in the following situations: riot or unlawful assembly by three or more persons acting together by use of force or violence, the existence of a clear and present danger of the use of violence, or a natural or man-made disaster (i.e. terrorist acts). The Governor may proclaim a state of emergency and issue directives to control and terminate the emergency and protect life and property. Directives issued by the

Governor for a state of emergency expire 72 hours after issuance; however, successive states of emergency may be declared by the Governor. A sample request for an emergency declaration is provided in Exhibit B.

- b. The emergency declaration process is generally not used for natural disasters or human errors or accidents because: (1) it requires action by the Governor to resolve local problems rather than facilitating action by local officials, (2) the Governor's directives require advance notice before they become effective, and (3) directives are of very limited duration – 72 hours. Hence, a disaster declaration may be more appropriate for responding to natural or technological emergencies. An emergency declaration may be appropriate for security-related incidents where local law enforcement resources are inadequate to handle the situation.
- c. If the actions taken by the Governor after an initial emergency declaration do not resolve the emergency situation, the chief elected official or governing body may request that the emergency declaration be continued. If the local emergency situation that was the basis for an emergency declaration is resolved before the Governor's directives expire, it is desirable to advise the Governor that the emergency declaration is no longer required.

2. Disaster Declaration

- a. The Texas Disaster Act, Chapter 418, TGC, provides that the presiding officer of the governing body of a political subdivision may declare a local state of disaster. A disaster declaration may be issued when a disaster has occurred or appears imminent. The disaster declaration process is typically used by the Mayor to respond to or recover from a significant natural disaster, human error or accident or terrorist acts. A sample disaster declaration is provided in Exhibit C. Copies of a disaster declaration should be filed with the State Division of Emergency Management and the City Secretary.
- b. The Executive Order of the Governor Relating to Emergency Management provides that county judges and mayors may, when a state of disaster has been declared, exercise similar powers on an appropriate local scale as have been granted to the Governor in the Disaster Act. Among those powers are the authority to suspend procedural laws and rules, use public and private resources to respond to the disaster, control the movement of people, restrict the sale and transportation of certain items, and take a number of other actions. Once a state of disaster is declared, a city may enact an emergency ordinance or order describing the specific emergency regulations that are to be put into effect during the disaster. A sample emergency powers ordinance is provided in Exhibit E.

- c. A disaster declaration may not be continued in force for more than seven days unless renewed by the City Council. A sample ordinance/court order extending a disaster declaration is provided in Exhibit D. The City Council may terminate a state of disaster at any time; this approach is typically used when the threat that gave rise to the disaster declaration has subsided. Alternatively, the City Council may choose to simply let the declaration expire by taking no action to extend it. A sample ordinance terminating a disaster declaration is provided in Exhibit F.

B. Phases of Emergency Management

1. Mitigation

- a. Brief the elected officials and department heads on possible liabilities arising from disaster operations, procedures for invoking the emergency powers of government, and legal documents relating to emergency powers.
- b. Maintain current copies of existing disaster-related laws, regulations, and orders.
- c. Develop local procedures for invoking emergency powers.
- d. Prepare sample legal documents (included in this annex) for approval by elected officials.

2. Preparedness

- a. Ensure city emergency call-out rosters include the City Attorney, who should maintain current telephone numbers and addresses for the legal staff.
- b. Review plans and procedures.
- c. Review mutual aid agreements submitted to the jurisdiction for approval and prepare mutual aid agreements to be submitted to other jurisdictions for approval.

3. Response

- a. Advise the Mayor and emergency services staff on legal implications of response activities.
- b. If required, prepare, have approved and signed, and disseminate legal documents declaring a disaster, terminating a disaster declaration, or invoking emergency powers.

4. Recovery

- a. Advise city officials on legal aspects of recovery operations.

- b. Assist city officials in preparing emergency ordinances, permits, applications for state or federal assistance, grant applications, and, if necessary, litigation.

VI. ORGANIZATION & ASSIGNMENT OF RESPONSIBILITIES

A. General.

Overall responsibility for providing legal services to the Mayor, the City Council, department heads, and other city officials during an emergency rests with the City Attorney. The City Attorney will be assisted by his or her associates.

B. Task Assignments

1. Mayor

- a. Will take such actions that are legal and necessary to manage the disaster at hand.
- b. If the situation warrants, may declare a local state of disaster. Issuance of a local disaster declaration is advisable if an emergency situation has resulted in substantial damage to privately-owned or government property and state or federal assistance will be needed to recover from the incident. If a local disaster declaration is issued, it shall be given prompt and general publicity.
- c. If the situation warrants, may request the Governor to declare a state of emergency.
- d. If requesting state assistance to cope with a local disaster, should attach copies of any local disaster declaration that has been issued to the request for state assistance. See Annex J, Recovery, for further information.

2. City Attorney

- a. Advise city elected officials and department heads regarding the emergency powers of local government and necessary procedures for invoking measures to:
 - 1) suspend procedural laws and rules;
 - 2) establish curfews;
 - 3) restrict or deny access to a disaster area;
 - 4) control the movement of persons and occupancy of premises in a disaster area;
 - 5) implement wage, price, and rent controls;
 - 6) establish rationing for critical supplies;
 - 7) limit or restrict use of water or other utilities;
 - 8) use any publicly owned resource to respond to the disaster

- 9) commandeer private property, subject to compensation requirements, to respond to the disaster; and
 - 10) remove debris from publicly or privately owned property
 - b. Review and advise city officials on possible liabilities arising from disaster operations, including the exercising of any or all of the above powers.
 - c. Prepare and recommend legislation to implement the emergency powers that may be required during an emergency.
 - d. Advise city officials and department heads on record keeping requirements and other documentation necessary for the exercising of emergency powers.
 - e. Prepare and keep current this annex.
 - f. During an emergency, report instances of overcharging for emergency supplies, equipment, and repair materials to the Consumer Affairs section of the Office of the Attorney General.
- 3. City Secretary
 - a. Publish required agenda of meetings
 - b. Prepare a record of public meetings
 - c. Receive a copy of disaster declarations and documents extending or terminating a state of disaster
 - d. Ensure proper protection of all records.

VII. DIRECTION & CONTROL

A. General

The City Attorney is responsible for providing legal services to the Mayor, City Council and department heads and for preparing all legal documents necessary for the conduct of emergency operations and the exercise of emergency powers. Supervisors will exercise their usual supervisory responsibilities over legal personnel.

B. Coordination

The City Attorney will designate a person to coordinate with the Mayor and the EOC, if activated. The City Attorney will identify staff members to be called for emergency duty and will designate those responsible for contacting such staff members.

C. Line of Succession

Refer to the City's Basic Plan, Volume I, section 3.4.2.

VIII. READINESS LEVELS

Refer to the City Basic Plan, Volume I, section 3.2.2.

IX. ADMINISTRATION & SUPPORT

A. Maintenance of Records

All records generated during an emergency will be collected and filed in an orderly manner so a record of events is preserved for use in determining response costs, settling claims, and updating emergency plans and procedures.

B. Preservation of Records

Vital legal records should be protected from the effects of disaster to the maximum extent feasible. Should records be damaged during an emergency situation, professional assistance in preserving and restoring those records should be obtained from a firm specializing in these tasks as soon as possible.

C. Training

Legal services personnel who will be participating in EOC operations shall receive training on the operating procedures for that facility.

X. ANNEX DEVELOPMENT & MAINTENANCE

A. Development

The City Attorney is responsible for developing and maintaining this annex.

B. Maintenance

This annex will be reviewed annually and updated per section 1.4.4 of the Basic Plan, Volume I.

XI. REFERENCES

A. Division of Emergency Management Local Emergency Management Planning Guide (DEM-10).

B. FEMA Guide for All-Hazard Emergency Operations Planning (SLG-101).

XII. COOPERATION WITH LEGAL OFFICERS OF AREA

The City Attorney will cooperate with the legal officers of political subdivisions in the area to set up procedures for providing legal services during the occurrence of an area-wide disaster.

EXHIBITS:

Exhibit A.....Request for a State of Emergency after disaster occurs

Exhibit B.....Request for a State of Emergency when disaster is imminent

Exhibit C.....Proclamation Declaring a Local State of Disaster

Exhibit D.....City Ordinance Extending a Local State of Disaster

Exhibit E Executive Order

Exhibit F..... City Ordinance Terminating a Local State of Disaster

Exhibit G..... Executive Order Terminating a Local State of Disaster

EXHIBIT A

(ON CITY LETTERHEAD)

(DATE)

The Honorable _____
Governor of Texas
c/o State Coordinator
Division of Emergency Management
P. O. Box 4087
Austin, Texas 78773-0001

Dear Governor _____:

On (date) the City of Houston, Texas, experienced (state/describe type of disaster). With this event, the City of Houston is currently facing tremendous physical and economic losses. An estimated (number) homes and/or businesses have been (describe damage and/or destruction), and an estimated (number) families are in need of temporary housing and other individual assistance.

Likewise, public utilities have been impacted to the extent that an estimated (number) homes/businesses have been left without (specify e.g. potable water, electricity, telephone, etc.). The public works and road situation in the City of Houston have been affected to the extent that an estimated (number) families are water bound due to (state/describe situation). It is estimated that the damages will exceed \$(dollar amount).

It is my belief the damage to homes, business, public works and utility systems due to (state/describe type of disaster) constitutes a public health and safety hazard. I have determined that this incident is of such severity and magnitude that an effective response is beyond the City of Houston's capability to recover without supplementary State and Federal assistance. Additionally, I certify that the City of Houston does not have local funding available to make the needed repairs and to provide our citizens with effective relief.

Pursuant to §433.001, *et seq.* of the Texas Government Code (Vernon 1998), I am requesting that you declare a state of emergency for the City of Houston, Texas. This request is necessary to preserve and protect life and property. Accordingly, I am requesting that you issue reasonable directives to deal with the emergency. A state of emergency must be declared immediately so that appropriate measures to deal with the (state/describe type of disaster) can be implemented. Furthermore, I am asking that successive proclamations be issued and remain in affect until the damage, destruction, injury, and/or loss of life or property is contained.

Your immediate assistance in response to this emergency is appreciated.

Mayor of the City of Houston, Texas

Enclosures: Disaster Summary Outline
 Local Disaster Proclamation

EXHIBIT B

(ON CITY LETTERHEAD)

(DATE)

The Honorable _____
Governor of Texas
c/o State Coordinator
Division of Emergency Management
P. O. Box 4087
Austin, Texas 78773-0001

Dear Governor _____:

The City of Houston, Texas is facing imminent threat of widespread and/or severe damage, injury, and/or loss of life or property from (*state/describe type of disaster*). It is my belief the damage to homes, businesses, public works and utility systems due to the severity and magnitude of (*state/describe type of disaster*) poses a public health and safety hazard beyond the City of Houston's capability to recover without supplementary State and/or Federal assistance.

Pursuant to §433.001, *et seq.* of the Texas Government Code (Vernon 1998), I am requesting that you declare a state of emergency for the City of Houston, Texas. This request is necessary to preserve and protect life and property. Accordingly, I am requesting that you issue reasonable directives to deal with the emergency. A state of emergency must be declared immediately so that appropriate measures to deal with the (*state/describe type of disaster*) can be implemented. Furthermore, I am asking that successive proclamations be issued and remain in affect until the damage, destruction, injury, and/or loss of life or property is contained.

Your immediate assistance in response to this emergency is appreciated.

Mayor of the City of Houston, Texas

EXHIBIT C

PROCLAMATION DECLARING A LOCAL STATE OF DISASTER BY THE
MAYOR FOR THE CITY OF HOUSTON.

Whereas, the City of Houston on the _____ day of _____, _____, has suffered severe damage, destruction, injury, and/or loss of life or property (or there is imminent threat of same) resulting from _____

_____ ; and

Whereas, the Mayor of the City of Houston has determined that emergency measures must be taken to either prepare for or respond to a disaster in order to prevent or minimize the loss of life and the destruction of property, and is empowered to take the actions described in this proclamation pursuant to the Texas Disaster Act of 1975, as amended, Tex. Gov't Code Ann, Chapter. 418.108 (Vernon Supp. 2003), (the "Texas Disaster Act"), **NOW THEREFORE**,

BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF HOUSTON, TEXAS:

Section 1. Declaration of Local State of Disaster. A local state of disaster is hereby declared by the Mayor for the City of Houston and all surrounding incorporated areas pursuant to §418.108(a) of the Texas Disaster Act.

Section 2. Duration of Local State of Disaster. Pursuant to §418.108(b) of the Texas Disaster Act, the local state of disaster issued in this proclamation shall continue until revoked but in no event will it exceed a period longer than seven days of the date hereof, unless continued or renewed by the consent of the City Council of the City of Houston.

Section 3. Publicity and Filing. Pursuant to §418.108(c) of the Texas Disaster Act, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the city secretary.

Section 4. Activation of the City Emergency Management Plan. Pursuant to §418.108(d) of the Texas Disaster Act, this declaration of a local state of disaster activates the City of Houston's Emergency Management Plan.

Section 5. This proclamation shall take effect immediately upon its issuance by the Mayor of the City of Houston.

ORDERED this the _____ day of _____, _____.

Mayor of the City of Houston, Texas

APPROVED BY THE CITY LEGAL DEPARTMENT JANUARY 23, 2004

EXHIBIT D

City of Houston, Texas, Ordinance No. _____

AN ORDINANCE AUTHORIZING THE MAYOR OF HOUSTON TO EXTEND OR CONTINUE A PROCLAMATION OF A LOCAL STATE OF DISASTER FOR THE CITY OF HOUSTON BEYOND THE SEVEN DAY PERIOD AFTER THE PROCLAMATION WAS ISSUED, MAKING CERTAIN FINDINGS RELATED THERETO, AND DECLARING AN EMERGENCY.

Whereas, on _____, the Mayor, pursuant to the Texas Disaster Act of 1975, as amended, Tex. Gov't Code Ann., Chapter. 418, (the "Texas Disaster Act") issued a proclamation declaring a local state of disaster for the City of Houston resulting from _____

_____;

Whereas, the conditions necessitating the proclamation of a local state of disaster are ongoing and continue to exist; and

Whereas, the Texas Disaster Act provides that a local state of disaster may not be continued for a period in excess of seven days without the consent of the governing body of the political subdivision,
NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. Extension of Local State of Disaster. The City Council, as the governing body of the City of Houston, hereby authorizes the Mayor of Houston to extend or continue a proclamation of a local state of disaster beyond the seven day period following the issuance of the proclamation.

Section 2. Executive Orders. All executive orders, proclamations or regulations issued by the mayor after the proclamation declaring a local state of disaster will continue to have the force and effect of law until rescinded by the mayor or until the local state of disaster is terminated pursuant to Section 3 of this ordinance.

Section 3. Termination of Local State of Disaster. The local state of disaster issued by the Mayor for the City of Houston shall continue until terminated by order of the City Council of the City of Houston or upon executive order by the Mayor when such threat or danger which initiated the proclamation has passed or has been dealt with in such a manner that it no longer exists.

Section 4. Administration. The Mayor, as Emergency Management Director for the City of Houston, shall retain all the powers given to him by the Texas Disaster Act, Executive Order RP32, and the City of Houston Emergency Management Plan necessary to deal with the presence of imminent occurrence of a disaster as it is defined in the Texas Disaster Act.

Section 5. Applicability. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 6. Notice of Meeting. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Tex. Gov't Code Ann., Chapter. 551 (Vernon Supp. 1998); and that this meeting was open to the public as required by law at all times during which this ordinance and the subject matter thereof was discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 7. Effective Date. A public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if the Mayor fails to sign this ordinance within five days after its passage and adoption, it shall take effect in accordance with HOUSTON, TEX., CITY CHARTER, art. VI, §6.

PASSED AND ADOPTED, this _____ day of _____, _____.

APPROVED, this _____ day of _____, _____.

Mayor of the City of Houston, Texas

Pursuant to HOUSTON, TEX., CITY CHARTER, art. VI, §6, the effective date of the foregoing ordinance is _____.

(Prepared by Legal Dep't _____
JYL 01/22/04 Assistant City Attorney
Requested by Director of Finance & Administration
L.D. File No. _____.)

APPROVED BY THE CITY LEGAL DEPARTMENT JANUARY 23, 2004

EXHIBIT E

CITY OF HOUSTON - EXECUTIVE ORDER

SUBJECT: Exercise of Mayor's Emergency Authority During a Local State of Disaster.

1. PURPOSE

The purpose of this Executive Order is to implement the Mayor's emergency powers during a local state of disaster pursuant to the Texas Disaster Act of 1975, as amended, Tex. Gov't Code Ann., Chapter 418 (the "Texas Disaster Act") and by Executive Order RP32 by the Governor of the State of Texas.

2. OBJECTIVES

To provide the Mayor with the means and authority to enact emergency measures necessary to respond efficiently and quickly to a disaster that has already occurred or where the occurrence or threat of a disaster is imminent. This Executive Order is cumulative of all relevant state and federal laws, City ordinances, and the City Emergency Management Plan. No provision of this order shall be construed to excuse compliance with any law.

3. DEFINITIONS

(a) Disaster: the occurrence or threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action, or emergency.

(b) Local state of disaster: proclamation made by the Mayor pursuant to the Texas Disaster Act when the Mayor finds that a disaster has occurred or that the occurrence or threat of disaster is imminent. The proclamation activates the City's Emergency Management Plan as well as the Mayor's emergency authority.

(c) Emergency authority/power: those powers given to the Governor of Texas by the Texas Disaster Act that were delegated to the Mayor of the City of Houston through Executive Order RP32 to enact emergency measures necessary to respond to a local state of disaster.

(d) Emergency Management Plan: a manual drafted by a city which delineates the procedures by which the city mitigates, prepares, responds, and recovers from a disaster.

(e) Office of Emergency Management: the division within the City of Houston Mayor's Office which is responsible for dealing with a disaster that either affects or has the potential to affect the City of Houston.

(f) Unconditional authorization: authorization from an affected corporation, organization, or individual that allows for the removal of debris or wreckage from their private property and indemnifies the municipality against any claim arising from removal.

4. **SCOPE**

This order and the Mayor's emergency powers herein described shall apply to all City departments of the City of Houston.

5. **RESPONSIBILITIES**

(a) The director of each City department shall ensure that his/her department carries out its duties pursuant to this order as delegated by the Mayor and the Office of Emergency Management in response to a local state of disaster.

(b) Each employee or any individual that is assigned a function or responsibility shall solemnly swear or affirm to support and defend the Constitution of the United States, laws of the State of Texas and the Ordinances of the City of Houston.

(c) This order is an exercise by the City of its governmental functions for the protection of the public peace, health, and safety and neither the City of Houston, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any procedure promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons or property as a result of said activity.

6. **PROCEDURES**

Each City Department is hereby authorized to implement its emergency services responsibilities as specified in the City's Emergency Management Plan, which includes, but is not limited to, ensuring the following:

(a) The Houston Police Department ("HPD") is hereby authorized to recommend the evacuation of all or part of a population in an affected area. This area is to be determined through the Office of Emergency Management ("OEM").

(b) The HPD is hereby authorized to impose curfew and/or blockades as they are determined through the OEM.

(c) The Public Works and Engineering Department (PWED) is hereby authorized to impose limitations on utility use as determined through the OEM.

(d) The PWED is hereby authorized to remove debris without an unconditional authorization upon determination that receiving same is not practicable and further delay would create a greater risk to public health or safety.

(e) The OEM is hereby authorized to establish wage and price controls as necessary.

(f) The PWED is hereby authorized to use public and private resources as are necessary and as determined through the OEM.

(g) The HPD is hereby authorized to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles as determined through the OEM.

If any portion of this order shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions thereof. All orders or ordinance, or parts therein, or resolutions in conflict herewith are expressly repealed. At all times when this order shall be in effect, it shall supersede and override all existing ordinances, orders, rules, and regulations, insofar as the latter may be inconsistent therewith. This order shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

ORDERED this the _____ day of _____, _____.

Mayor of the City of Houston, Texas

APPROVED BY THE CITY LEGAL DEPARTMENT JANUARY 23, 2004

EXHIBIT F

AN ORDINANCE TERMINATING A LOCAL STATE OF DISASTER FOR THE CITY OF HOUSTON, MAKING CERTAIN FINDINGS RELATED THERETO, AND DECLARING AN EMERGENCY.

Whereas, on _____, the Mayor, pursuant to the Texas Disaster Act of 1975, as amended, Tex. Gov't Code Ann., Chapter 418, (the "Texas Disaster Act") issued a proclamation declaring a local state of disaster for the City of Houston resulting from _____

_____;

Whereas, the conditions necessitating the proclamation of a local state of disaster have ceased to exist; and

Whereas, the Texas Disaster Act provides that a local state of disaster may be terminated by the governing body of the political subdivision or by executive order by the Mayor, **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. Termination of Local State of Disaster. The City Council, as the governing body of the City of Houston, hereby terminates the proclamation of a local state of disaster described in the preamble hereto.

Section 2. Applicability. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 3. Notice of Meeting. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Tex. Gov't Code Ann., Chapter 551 (Vernon Supp. 1994); and that this meeting was open to the public as required by law at all times during which this ordinance and the subject matter thereof was discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 4. Effective date. A public emergency exists requiring that this ordinance be passed formally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall take effect immediately upon its passage and approval by the Mayor; provided, however, that if the Mayor fails to sign this ordinance within five days after its passage and adoption, it shall take effect in accordance with HOUSTON, TEX., CITY CHARTER, art. VI, §6.

PASSED AND ADOPTED, this _____ day of _____, _____.

APPROVED, this _____ day of _____, _____.

Mayor of the City of Houston, Texas

Pursuant to HOUSTON, TEX., CITY CHARTER, art. VI, §6, the effective date of the foregoing ordinance is _____.

City Secretary

(Prepared by Legal Dep't, Neighborhood Protection Division
JYL 01/22/04 Assistant City Attorney
Requested by Deputy Director of Finance and Administration)

EXHIBIT G

CITY OF HOUSTON - EXECUTIVE ORDER

SUBJECT: Termination of a Local State of Disaster.

1. **PURPOSE**

The purpose of this Executive Order is to terminate the proclamation of a local state of disaster as proclaimed by the Mayor pursuant to the Texas Disaster Act of 1975, as amended Tex. Gov't Code Ann., Chapter 418 (the "Texas Disaster Act") and by Executive Order RP32 by the Governor of the State of Texas. Effective as of _____, the local state of disaster proclaimed on _____, is hereby terminated. The definitions contained in the original declaration are incorporated herein for all purposes.

2. **OBJECTIVES**

To provide the Mayor with the means and authority to terminate all emergency measures as implemented by the City Emergency Management Plan which were activated to respond efficiently and quickly to a disaster that has already occurred or where the occurrence or threat of a disaster was imminent. This Executive Order is cumulative of all relevant state and federal laws, City ordinances, and the City Emergency Management Plan. No provision of this order shall be construed to excuse compliance with any law.

3. **SCOPE**

This order and the Mayor's emergency powers herein described shall apply to all City departments of the City of Houston.

4. **RESPONSIBILITIES**

(a) The director of each City department shall ensure that his/her department terminates all emergency response duties pursuant to this order as delegated by the Mayor and the Office of Emergency Management which were activated in response to a local state of disaster which no longer exists.

(b) This order is an exercise by the City of its governmental functions for the protection of the public peace, health, and safety and neither the City of Houston, the agents and representatives of said City, nor any individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any procedure promulgated pursuant to the provisions of this ordinance shall be liable for any damage sustained to persons or property as a result of said activity.

If any portion of this order shall, for any reason, be declared invalid, such invalidity shall not affect the remaining provisions thereof. All orders or ordinance, or parts therein, or resolutions in conflict herewith are expressly repealed. At all times when this order shall be in effect, it shall supersede and override all existing ordinances, orders, rules, and regulations, insofar as the latter may be inconsistent therewith. This order shall not be construed so as to conflict with any State or Federal statute or with any military or naval order, rule, or regulation.

ORDERED this the _____ day of _____, _____.

Mayor of the City of Houston, Texas